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8 **Attorneys for Defendants**
9 **DITECH FINANCIAL LLC and MORTGAGE**
10 **ELECTRONIC REGISTRATION SYSTEMS, INC.**

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 **PETER ZEPPERIO, an individual;**
14 **Plaintiff,**

15 **v.**

16 **WELLS FARGO BANK, NA; DITECH**
17 **FINANCIAL LLC; NORTHWEST**
18 **TRUSTEE SERVICES, INC.;**
19 **MORTGAGE**
20 **ELECTRONIC REGISTRATION**
21 **SYSTEMS**
22 **INC and DOES 1 to 10 inclusive**
23 **Defendants.**

Case No.: 2:18-cv-4183

NOTICE OF REMOVAL UNDER 28
U.S.C. § 1441

[FEDERAL QUESTION]

24 **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

25 PLEASE TAKE NOTICE that Defendants DITECH FINANCIAL LLC
26 (“Ditech”) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
27 (“MERS”) hereby remove to this Court the state action described below pursuant to
28 28 U.S.C. § 1441 *et seq.*

1. On March 12, 2018, Plaintiff PETER ZEPPEIRO filed a Complaint in
the Superior Court of the State of California in and for the County of Ventura entitled
Zeppeiro v. Wells Fargo Bank NA, et. al., bearing Case Number 56-2018-00509040-

1 CU-OR-VTA.

2 2. Ditech and MERS were served via first class mail with Notices of
3 Acknowledgment and Receipt. Undersigned counsel executed and returned the
4 Notices of Acknowledgment and Receipt on April 30, 2018. This notice of removal is
5 timely under 28 U.S.C. § 1446(b) because its filing will be prior to May 30, 2018,
6 which is 30 days from when service upon Ditech and MERS became effective
7 pursuant to California *Code of Civil Procedure* Section 415.30.

8 3. This Court has original jurisdiction of this civil action under 28 U.S.C. §
9 1331, and hence this action may be removed to this Court by Ditech and MERS in
10 accordance with the provisions of 28 U.S.C. § 1441, in that it arises under a federal
11 statute. The Complaint alleges as its sole cause of action a claim for Rescission Under
12 TILA and Reg. Z pursuant to 15 U.S.C. § 1635.

13 4. Ditech and MERS are entitled to remove this entire action from the
14 Ventura Superior Court to the United States District Court, Central District of
15 California, and they wish to exercise that right. Pursuant to 28 U.S.C. § 1446(a),
16 Ditech and MERS file this Notice of Removal in the District Court of the United
17 States for the District and Division within which the state court action is pending.

18 5. Pursuant to 28 U.S.C. § 1446(a), Ditech and MERS hereby attach copies
19 of all the pleadings filed with the state court that are in their possession.

20 6. Pursuant to 28 U.S.C. § 1446(d), Ditech and MERS will promptly give
21 written notice of the removal to all adverse parties and will file a copy of the notice
22 with the clerk of the Ventura Superior Court.

23 7. Ditech and MERS reserve the right to supplement this Notice of Removal
24 when additional information becomes available. Ditech and MERS further reserve all
25 rights, including but not limited to, defenses and objections as to venue, personal
26 jurisdiction, and service. The filing of this Notice of Removal is subject to, and

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1 without waiver of, any such defense or objection.
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3 DATED: May 18, 2018

WOLFE & WYMAN LLP

5 By: /s/ Cathy L. Granger

6 CATHY L. GRANGER

Attorneys for Defendants

7 **DITECH FINANCIAL LLC and**
8 **MORTGAGE ELECTRONIC**
9 **REGISTRATION SYSTEMS, INC.**

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WOLFE & WYMAN LLP
ATTORNEYS & COUNSELORS AT LAW

